

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Loomis Allotment
Grazing Permit

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0147-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



PROPOSED ACTION: The proposed action is to issue the permit for the Loomis Allotment (#00093) and issue the permit to the current applicant for a ten year term. The term of the permit will run from March 01, 2013 through February 28, 2023. No changes will be made to the permitted AUMs and the terms and conditions of the permit are as described below:

GR# 2502079

Loomis Allotment #00093	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Loomis	455	Cattle	5/11	01/10	43	Active	1576

Total active AUMs: 1,576 AUMs

Terms and Conditions:

Grazing is on a seasons and numbers. Grazing in accordance with the Remuda Creek CRMP. Actual Use records must be submitted within 15 days of the end of the grazing season or permittee will be billed for the total preference, but must still submit actual use records.

NO ACTION: The no action alternative would continue the current management. Under the no action alternative the permit would continue to be authorized as shown below:

GR# 2502079

Loomis Allotment #00093	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Loomis	455	Cattle	5/11	01/10	43	Active	1576

Total active AUMs: 1,576 AUMs

Terms and Conditions:

Grazing is on a seasons and numbers. Grazing in accordance with the Remuda Creek CRMP. Records must be submitted 15 days from the end of the grazing season or permittee will be billed for the total preference, but must still submit actual use records. Supplemental feed (includes salting) will not be placed within one quarter of a mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed is defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public lands. The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

www.blm.gov/mt

In Reply Refer To:

4100 (MTC021)

GR# 2502079

July 05, 2013

William O. and Irene Rathert

924 5th Ave. North

Wolf Point, MT 59201

Certified Mail No: 70113500000345173514

Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Loomis Allotment (#00093) is located approximately 15 miles southwest of Wolf Point, Montana in McCone County. The Loomis Allotment consists of 6,574 acres of BLM administered lands containing 1,576 AUMs of authorized active use, 1,231 acres of state lands, and 5,870 acres of private lands.

The allotment was assessed for and met Land Health Standards in 1998 and subsequent field visits and monitoring information have confirmed that the standards are being met.

William O. and Irene Rathert have submitted to the Miles City BLM Field Office a deed showing control of the base property associated with this allotment and all other required forms have been submitted and accepted by the Miles City Field Office.

In April 2013, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0147-EA) to analyze the issuance of the grazing permit to William O. and Irene Rathert for the above mentioned allotment. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 31, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which will authorize the grazing of the Loomis Allotment (#00093) to William O. and Irene Rathert. The permit will be issued from March 1, 2013 through February 28, 2023. The permit will be issued as follows:

GR# 2502079

Loomis Allotment #00093	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Loomis	452	Cattle	5/11	1/6	44	Active	1,576

Total Active AUMs: 1,576

Terms and Conditions:

Grazing in accordance with the Remuda Creek CRMP revised on 5/8/89. Actual Use records must be submitted within 15 days of the end of the grazing season or the permittee will be billed for the total preference, but must still submit actual use records.

RATIONALE

The issuance of the grazing permit is provided through a deed showing control of the base property for this allotment being submitted to the BLM. The deed contains the legal descriptions of the base property associated with this allotment.

Upon receiving all forms, the Miles City BLM Field Office interdisciplinary team initiated an Environmental Assessment (MT-C020-2013-0147-EA) to analyze the issuance of the grazing permit for the allotment. The Finding of No Significant Impact (FONSI) was signed by the authorized officer on May 31, 2013. Existing information indicates the allotment is meeting the Standards for Rangeland Health (43 CFR 4180).

The BLM determined that William O. and Irene Rathert meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information Resources Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information%20Resources%20Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§ 4120.2 Allotment management plans and resource activity plans.

§ 4120.3-2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document please contact Kirk Anderson, Rangeland Management Specialist, at (406) 233-3140 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

AndersonK:lrn:7/3/13:Rathert_Decision_Letter_AndersonK_2013